

1 CELIA L. McGUINNESS, ESQ. (SBN 159420)  
STEVEN L. DERBY, ESQ. (SBN 148372)  
2 DERBY, McGUINNESS & GOLDSMITH, LLP  
200 Lakeside Drive Suite A  
3 Oakland, CA 94612  
Phone: (510) 987-8778  
4 Fax: (510) 359-4414  
info@dmglawfirm.com

5 Attorneys for Plaintiffs  
6 TRACY ROUSSEAU and STAN ROUSSEAU

7 DOMINIQUE A. POLLARA, ESQ (SBN 141036)  
POLLARA LAW GROUP  
8 3600 American River Drive, Suite 160  
Sacramento, CA 95864  
9 Phone: (916) 55-5880  
Fax: (916) 550-5066  
10 dp@pollara-law.com

11 Attorneys for Defendants  
ST. HELENA HOSPITAL and  
12 ADVENTIST HEALTHCARE/WEST

13  
14 UNITED STATES DISTRICT COURT  
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 TRACY ROUSSEAU and STAN  
17 ROUSSEAU

18 Plaintiffs,

19 v.

20 ST. HELENA HOSPITAL; AND  
21 ADVENTIST HEALTHCARE/WEST,

22 Defendants.

Case No. 4:17-cv-02985 HSG

Civil Rights

**STIPULATION AND ORDER TO  
EXTEND TIME UNDER F.R.C.P. RULE  
12(F)**

Action Filed: May 24, 2017

23  
24 **STIPULATION**

25 By and through their attorneys of record, Plaintiffs TRACY ROUSSEAU and STAN  
26 ROUSSEAU ("Plaintiffs") and Defendants ST. HELENA HOSPITAL and ADVENTIST  
27 HEALTHCARE/WEST ("Defendants") hereby stipulate and agree as follows:  
28

1 WHEREAS, this case has been assigned for early disclosures and mediation under  
2 General Order 56;

3 WHEREAS, Defendants filed their Answer in this matter on June 30, 2017;

4 WHEREAS, Plaintiffs' deadline for filing a motion under Federal Rule of Civil  
5 Procedure ("FRCP") Rule 12(f) to strike all or part of Defendants' Answer is July 21, 2017;

6 WHEREAS, Plaintiffs and Defendant have met and conferred regarding the alleged  
7 deficiencies raised by Defendant's Answer and Affirmative Defenses;

8 WHEREAS, Plaintiffs and Defendant wish to avoid the time and expense of briefing an  
9 FRCP 12(f) motion until/unless mediation under General Order 56 does not succeed;

10 IT IS HEREBY STIPULATED by and among Plaintiffs and Defendants that:

11 1. If the case does not settle at mediation under General Order 56, Plaintiffs retains the right  
12 to file a motion under FRCP 12(f) as follows:

- 13 a. the parties shall meet and confer about amending the Answer within 7 days after  
14 the mediation has been certified as completed;
- 15 b. that Defendants shall thereafter be allowed an opportunity to voluntarily amend  
16 their Answer prior to Plaintiffs filing any Rule 12(f) motion;
- 17 c. Any amended answer by Defendants shall be filed no later than 21 days after the  
18 mediation has been certified and completed; and
- 19 d. Plaintiffs may thereafter file their 12(f) Motion no later than 42 days from the  
20 time mediation is certified as completed.

21 IT IS SO STIPULATED.

22  
23 Dated: July 12, 2017

DERBY, McGUINNESS & GOLDSMITH, LLP

24  
25 /s/ Celia McGuinness  
26 By: CELIA McGUINNESS, ESQ.  
27 Attorneys for Plaintiffs  
28 TRACY ROUSSEAU and STAN ROUSSEAU

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: July \_\_, 2017

POLLARA LAW GROUP

/s/ Dominique A. Pollara  
By: DOMINIQUE A. POLLARA, ESQ.  
Attorneys for Defendants  
ST. HELENA HOSPITAL and  
ADVENTIST HEALTHCARE/WEST

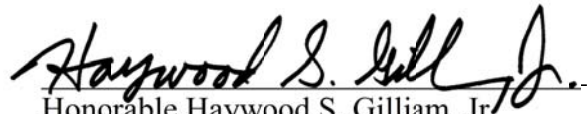
1 **ORDER**

2 Pursuant to the stipulation of the parties, and for good cause shown, it is hereby  
3 ORDERED that:

4  
5 The parties shall meet and confer within 7 days after the mediator certifies that mediation  
6 under General Order 56 has been completed. Defendants shall thereafter be allowed an  
7 opportunity to voluntarily amend their answer prior to plaintiff filing any FRCP 12(f) motion.  
8 Any amended answer shall be filed no later than 21 days after the mediation has been certified and  
9 completed. Plaintiff may thereafter file his motion no later than 42 days from the date mediation  
10 is certified and completed.  
11  
12

13 **IT IS SO ORDERED.**

14  
15 Dated: July 13, 2017

  
Honorable Haywood S. Gilliam, Jr.  
United States District Court Judge

1 **FILER'S ATTESTATION**

2 Pursuant to Civil Local Rule 5-1, I hereby attest that on July 11, 2017, I, Celia  
3 McGuinness, attorney with Derby, McGuinness & Goldsmith, LLP, received the concurrence of  
4 Dominique Pollara in the filing of this document.

5  
6 /s/ Celia McGuinness  
Celia McGuinness  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28